

60158-143

**REMARKS**

The Examiner objected to claims 5 and 13 as depending on a rejected base claim, but stated that these claims would be allowable if rewritten in independent form to include the limitations of the base claim and any intervening claims. Claim 5 has been rewritten in independent form to include the limitations of base claim 1 and intervening claim 2, and claim 13 has been rewritten in independent form to include the limitations of base claims 10.

Claims 1-4, 6-8, 10, 12 and 14 stand rejected under 35 U.S.C. §102(b) as being anticipated by Usui (U.S. Patent No. 4,080,141). Usui does not disclose a track assembly including a track portion having a channel and a securing feature having at least one flange curved away from the channel. Usui discloses an apparatus for bending a pipe. The pipe is received in a pusher mold 362 and a receiver mold 372 and is bent to the desired shape (column 6, lines 5 to 41). The molds 362 and 372 are complementary halves having a configuration identical to that of the bent pipe to be produced (column 6, lines 9 to 16). Therefore, the sides of the molds 362 and 372 curve towards the channel and not away from the channel as in the claimed invention. Neither of the molds 362 and 372 include a securing feature having at least one flange curved away from the channel. Usui does not anticipate the claimed invention, and the rejection is improper. Applicant respectfully requests that the rejection be withdrawn.

Claims 1-4, 6-12 and 14 stand rejected under 35 U.S.C. §102(b) as being anticipated by Cupri (U.S. Patent No. 4,747,768). Cupri does not disclose a track assembly including a track portion having a channel and a securing feature having at least one flange curved away from the channel. Cupri discloses an apparatus for manufacturing a shaped plastic article including channel-shaped mold parts 11, 12 and 13 used to form a tube T into a desired shape (column 4, lines 10 to 19). The mold parts 11, 12 and 13 do not include a securing feature having at least one flange curved away from the channel. In Cupri, the sides of the mold parts 11, 12 and 13 function to secure the tube T into the mold parts 11, 12 and 13. The sides of the mold parts 11, 12 and 13 curve towards the channel and not away from the channel as in the claimed invention. Cupri does not anticipate the claimed invention, and the rejection is improper. Applicant respectfully requests that the rejection be withdrawn.

Claims 1-4, 6-12 and 14 stand rejected under 35 U.S.C. §102(b) as being anticipated by Janosco (U.S. Patent No. 5,125,825). Janosco does not disclose a track assembly including a

60158-143

track portion having a channel and a securing feature having at least one flange curved away from the channel. Janosco discloses a plastic pipe bender including grooves 28, 40 and 44 (column 2, line 47 to column 3, line 3). The grooves 28, 40 and 44 do not include a securing feature having at least one flange curved away from the channel. In Janosco, the sides of the grooves 28, 40 and 44 function to secure the pipe into the grooves 28, 40 and 44. The grooves 28, 40 and 44 of the plastic pipe bender do not include a securing feature having at least one flange curved away from the channel. Janosco does not anticipate the claimed invention, and the rejection is improper. Applicant respectfully requests that the rejection be withdrawn.

Thus, claims 1-9 and 11-26 are in condition for allowance. No additional fees are seen to be required. The Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., \$18.00 for one additional dependent claims. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

Respectfully Submitted,

CARLSON, GASKEY & OLDS, P.C.

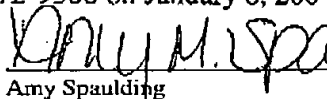


Karin H. Butchko  
Registration No. 45,864  
Attorneys for Applicant  
400 West Maple Road, Suite 350  
Birmingham, Michigan 48009  
(248) 988-8360

Dated: January 8, 2004

**CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, (703) 872-9306 on January 8, 2004.

  
Amy Spaulding